

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

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| STATE OF OHIO, | : | APPEAL NO. C-090445 |
| | : | TRIAL NO. B-0805432 |
| Plaintiff-Appellee, | : | |
| vs. | : | <i>JUDGMENT ENTRY.</i> |
| JAMES DEMARCIA, | : | |
| Defendant-Appellant. | : | |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant James DeMarcia appeals the judgment of the Hamilton County Court of Common Pleas revoking DeMarcia’s community control and imposing a prison term of 18 months.

Pursuant to *Anders v. California*,² DeMacia’s appointed appellate counsel has advised this court that, after a thorough review of the record, he can find nothing that would arguably support DeMarcia’s appeal. Counsel has communicated his conclusion to DeMarcia, and he has provided DeMarcia a meaningful opportunity to raise, with counsel’s assistance, any points he chooses in support of this appeal.³ Counsel has moved this court for permission to withdraw.⁴

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

³ See *State v. Williams*, 183 Ohio App.3d 757, 2009-Ohio-4389, 918 N.E.2d 1043, at ¶12.

⁴ See *Anders* at 744; see, also, *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958.

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Counsel now requests that this court independently examine the record to determine whether the appeal is wholly frivolous.⁵ We have done so, and we concur in counsel's conclusion that the proceedings below were free of prejudicial error. We, therefore, overrule counsel's motion to withdraw from his representation of DeMarcia and affirm the judgment of the trial court.

While there are no reasonable grounds for this appeal, because DeMarcia is indigent, we allow no penalty.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on May 26, 2010

per order of the Court _____.
Presiding Judge

⁵ See id.